

App. F. IX-4

Previous References

Law Dep 63-21

✓
1935.

(Law)

File No. 26-25-

Serial Nos. 1-2.

PRESERVED

Later References

Law Dep 65-35-

Pres

General and Revenue Secretariat.

Serial Nos.

One Two.

Part B for Aug 35-

SUBJECT.

Certain Amendments to Civil Rule of
Practice 16, re. payment of moneys due
to parties.

2)

167

In P.P.s. Bygone, my son
+ Shinoaga
" Govt. Adm't

No. P 1136-9 of 17.8.35

Is a copy of No. P 962 CS-162-24-4 of
8.8.35.

In April 1133
6.9.35-

1934-35

From

The Public Prosecutor
Mysore Division
Mysore

To

The General Secretary
The Govt. of Mysore
Bangalore

Dated

Despatched

9/12/34

Received

General No.

8/10

No.

Enclosure No.

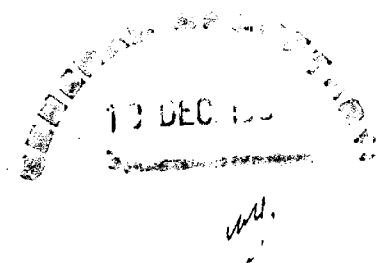
2

Sir,

I have the honour
to submit herewith the
Letter of authority and the
memo in Ex. 23/32-33
on the file of District
Judge's court, Mysore,
for the signature of the
Chief Secretary and return.
After the receipt of the
above the amount will be
drawn from the court &
will be credited to the
Treasury.

I have the honour to
be,
your most obedient servant
R R A C C C C C C C

copy signed by the Ch. Secy was returned
to the P.P. on 12.11.34. The P.P.
wants to file a fresh authority
for Rs 40-1-0 since the letter of
authority already filed is said
to be dismissed as it was not in



Serial
No.

Herefore be submitted to see Ch. Sec
for answer of Report.

TSD
mfr

2) The rule of practice issued by the
govt in the circular No. 164 dated
10.3.33 does not prescribe any form
what it requires is only that there should
be a written authority & that it should
be properly attested. It is therefore
not clear how the authority previous
given in this case has been thrown out
as being not in proper form.

3) Moreover when money is ~~drawn~~
deposited in Court for payment
Government in execution of decrees
or otherwise, the P.P. who is the first
pleader must be able to draw them
& credit to the proper head without
any further special authority. I think
it will save much unnecessary corres,
& delay if the High Court be moved
to reconsider their Rule of Practice
dated 5th Oct 1933 atleast in the
case of the Public Prosecutors who are
ex-officio Govt pleaders.

4) If approd, a draft to the P.P. in
High Ct. will be put up. Meanwhile, the
letter of authority now sent may be kindly
signed & dated.

(Chief Secy)

mfr
22/10/342
96/12

5) In was a dfg returning and ^{df} letter
to the Reg H.C.

b) Issue letter to PPr &
resubmit with a typed
off to Registrar

NSP

To,

Re PPr. Mgs
no. P. 2265 d 3.1.35 returning the letter
of authority duly signed by the ch. Secy

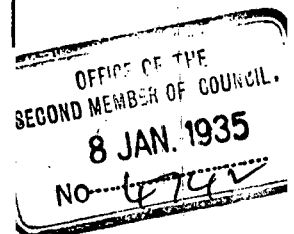
7) Re-sub^d with a ~~date~~ typed dfg to the Reg^r H.C.
150
4/1

2^d approval
(GenSecy)

NSP
4/1/35

1 man as approved

dfp. sec
one dfg to
one df
as mva
NSP



Serial
No.

To,

The Reg^r H.C.

no. 8.3451 d. 12.1.35 enquiring
re rule of ~~adversely~~ practice re
letter of authority. Cannot be done
in respect of Gov. Ad & Pleaders.

From,

The Gov. Reg.

no. 928 d. 16.1.35 forwarding the
Court Cheques for Rs. 40-1-0 sent
Cost received from J.D. in
Exp. 13/3255 on the file of
Dr. Judge, Reg.

ii) Sub? with a d. fr. ~~also~~ forwarding the
Cheques to the Comptroller. The Cheques
which are in safe custody in O.B. may
get endorsed by the Ch. Secy at the time of

TSD
21/1

iii) Is one
more
21/1

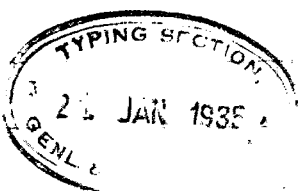
iv) O.B. } to kindly put up with
w.c. } kept in safe custody for transmission

TSD
21/1
HOK

v) Two Court Cheques amounting to
are sent herewith for transmission to the
Comptroller

20/1

Protection For. 20/1



To,

The Comptroller
no. P. 3673 d 23.1.35 forwarding
the cheques duly endorsed by the Ch. Secy
Copy to the Mr. Dyke

See A
24/1/35

From,

The Comptroller
no. P. R. 1847 d 23.1.35 acknowledged
the receipt of the two cheques
Sub? for perusal

See
The action of
the Registrar
of a Sub?
25/1/35

1847
25/1/35
It is not proper for a
Superintendent of the
Comptroller's office to address
in this manner a Secy to Govt.
If appr. this will be pointed
out to the Comptroller -

Gen Secy) 1847
25/1/35

Ch. Secy
25.1.35

26/1/35

1847
26/1/35
Df. put up accordingly

7/1/35
26/1/35

TYPING
26 JAN 1935
GENL.

Issued no. P. 3816 d 28.1.35

Serial
No.

From,

The Comptroller

B.T. 86-7 d 8.2.35 stating that the

Cheques have been forwarded to the Rys. Dir.

Tr. for realisation and credit to His. under

fixed items of receipts and requesting to

furnish the details of the case

18) A copy of the Comptroller's letter may be sent to

the Rev. Commr with refce to the Correspondence and

with this office letter no. P. 2322 d 26.10.31 with a

request to ^{intimate to the Comptroller direct} furnish the proper head of a/c to which

the amounts realised may be credited.

TSD.
13/2

19) Yes
done
13/2

20) Dft sent for appl

TSD
14/2

21) Issue
done
14/2

To,

The R.C.

no. P. 6289 d 15.2.35 instructing to

intimate the proper head of a/c to the Comptroller

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHA RAJA OF MYSORE.

*****:O:*****

R e a d : -

Government Order No. Camp 1 - Cts 55-33-2 dated the
27th September 1933 : Concerning the issue of a Rule of
Practice providing for the payment of monies due to par-
ties which are in deposit in Court to the party in per-
son or to his recognised agent or to some person special-
ly authorised under a power of attorney.

2. Letter No. R.O.C. 681/34-35 dated the 23rd March
1935 from the Registrar, High Court of Mysore, requesting
sanction to the appended amendment of the said rule con-
fining it to decree amounts.

Order No. *76349-50 Cts 162 34-2*
Dated, Bangalore, 16th May 1935

S a n c t i o n e d

[Signature]
For Chief Secretary to Government.
Sc

To

The Registrar, High Court of Mysore,

R.H.

Copy to Law Secy

Sub for perusal

*no) 9.5 for unless letter re file awaiting 1.35 U
re H.C. to our letter dated 1.35 may be closed now.*

*132
no/2*

*no) But while this new rule
enable GAO + PPR to
draw decree amounts*

due to not without a special power
of attorney

MP
20/5

22) The present amendment will not comply with the rules and the
for as for producing a power of attorney the H.C. may
perhaps be ~~asked~~ ^{required} for a definite reply in the matter to
our letter of 12.1.35

ISD
21/5

23) Yes. Please put up a draft
port
21/5

24) If info for appx
ISD
21

25) Issue
MP



Issued no. 6435 d 22.5.35

The Re H.C. of Mys

Ref no. 6435 d 22.5.35. Enquiring when
the rule of practice as amended is in force
of 17.5.35 and when the purpose in view is.

Kind ref invited to pass same supra.
Sub: is a dft well according

ISD
20/6

for dft

Typ. secy
MP
20/6



Typed dft put up
TSD
21/6 for approval
Gen Secy

10/6
21/6

II 17/8/35

10/6
3/7

10/6

4.7.35

Draft revised 10/6

10/6
8/7
10/6
9/7

Issue
10/6
9/7

To,

Secy Reg H.C.

no. P. 237 d 11.7.35 requesting to
consider the suggestion put forward in
our letter d 12.1.35.

24 JUNE 1935
428

SECOND MEMBER OF BOARD.
4 JULY 1935
NO. 93

SECTION.
9. JUL. 1935
GENL & REV. SECT.

724 Law 26-35/10

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

READ:-

Government Order No.P.6349/Cts.162-34-2 dated 17th
May 1935 sanctioning certain amendments to civil Rule of Practice
164 regarding payment of moneys due to parties.

2. Letter No.R.O.C.681/34-35 dated 27th July 1935 from
the Registrar, High Court, requesting sanction to the addition of a

This rule does not apply to the Government Advocate
or to Government Pleaders, to whom decree
amounts due to the Government may be paid with-
out any special authorisation from the Government

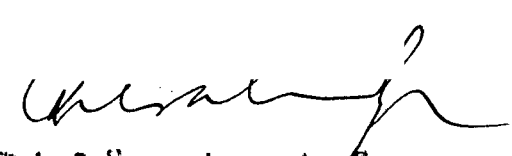
note to the said
Rule as indicated
in the margin.

- - - - -

ORDER NO: P 962 / Cts 162-34. x

Dated, Bangalore, the 7th August 1935.

S A N C T I O N E D.


For Chief Secretary to Government.

To

The Registrar, High Court of Mysore.

Law Section

Submitted for perusal

These papers may be filed now.

TSB
8/8

Copies of this will be sent to
the 1st and the 2nd
or perusal

(Gensley)

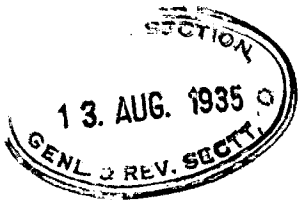
MS
8/8

(member)

Trab

MS
10/8

MS
10/8



Dfr put up

150
1/8

Issue

one
10/8/35

To,

Re BGRS andue S. Ad.

no. P. 436-39 d 17.8.35 - forwarded to

CP/3 of ue S.O. d 8.8.34 re: payments

are due to parents.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

D. 3265


Bangalore, Dated, 2nd January 1935



The General Secretary to the Government of His Highness the Maharaja of Mysore.

The Public Prosecutor,
Mysore.

Execution 23/32-33 on the file of the District Court,
Mysore (Chief Secretary Vs. Sivananje Gowda)

I am directed to return herewith duly signed by
Chief Secretary the letter of authority sent with your
No. 810 dated 18th December 1934.

I have the honor to be,
Sir,
Your most obedient servant,



For Chief Secretary to Gov. nmt.

JECT

No.

Section *Law*

File No.

Fro.

Serial No.

No. *P 3265/Su 2*

o. of letter replied to

To

To

The P. Br. Mysore

Sir,

eral and Revenue Secretariat

Exp. is press on the 1st

()

of the Dr. Ch. Mysore

the 193

(Ch. Secy) as Secretary

the C^{ue}

3/1/35

Sen

letter

Mr. N. R. R.

I am directed to

return herewith duly signed 'the

Ch. Secy' as per order of authority

sent with your letter no. 810 dated 18.12.34

TRM.2

I have en

List of enclosures

not v/v for Genl Secy
26/12

Copied by

Examined by.....

21/1/35/2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 11th January 1935

No. P-3451

From

The General Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to invite the High Court's reference to the Rule of Practice issued on the Civil side in No. 164 dated 5th October 1934 which requires a special letter of authority to enable an Advocate or Pleader to draw moneys in Court on behalf of his client and to state that a rigid enforcement of this rule even in the case of Public Prosecutors who are ex-Officio Government Pleaders is causing unnecessary correspondence and avoidable delay in drawing moneys due to Government. I am therefore to request you to kindly move the High Court whether the Rule of Practice referred to cannot be amended so as to enable monies due to Government which are in deposit in Court, being paid to the Government Advocates or Pleaders without any further special authority other than the Vakalats and the appointments they hold.

I have the honor to be,
Sir,
Your most obedient servant,

me
For General Secretary to Government

TSD

No P 3451 7

To

The Registrar,

High Court of Mysore,

Bangalore.

Sir,

I am directed to invite the High Court's reference to the Rule of Practice issued on the Civil side in No. 164 dated 5th October 1934 which requires a special letter of authority to enable an Advocate or Pleader to draw moneys in Court on behalf of his client and to state that a rigid enforcement of this rule even in the case of Public Prosecutors who are ex-Officio Government Pleaders is causing unnecessary correspondence and avoidable delay in drawing moneys due to Government. I am therefore to request you to kindly move the High Court whether the Rule of Practice referred to cannot be amended so as to enable monies due to Government -- which are in deposit in Court, being paid to the Government Advocates or Pleaders without any further special authority other than the Vakalats and the appointments they hold.

I have etc..

W.M.

Gen. Secy. to Govt.

1000
4/1/35

TS 41

TRM

done 1/2
11/1/35

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The General Secretary to the Govt.
of H.H. the Maharaja of Mysore,
Law Section, Bangalore.

Dated 15th January 1935,

Despatched 16th January '935'

Received

General No.

No. 938

Enclosure No. 2 cheques.

Sir,

Reference. Letter No. P.2325 Law
dated 26-10-1931.

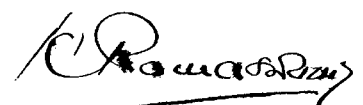
I have the honour to submit two
court cheques noted in the margin for
Rs.40-1-0 being the cost recovered
from the Judgment-debtor in Ex:23 of
32-33 (Chief Secretary Vs Malle
Gowda) on the file of the District
Judge, Mysore.

The cheques have been duly
endorsed in favour of the Chief
Secretary. Receipt of the cheques
may kindly be acknowledged.

I have the honour to be,

S i r,

Your most obedient servant.



Public Prosecutor,
Mysore Division.

	- Rs.33- 8-8
Cheque No. 32/23	- Rs. 6-10-4

Total	Rs.40- 1-0

Office Branch for retaining in safe custody
The cheques are running the receipt
book
17/1/35 Received two Cheques
Amounting to Rs 40-1-0.
Bills no 549
17/1/35. D

GENERAL SECRETARY
17 JAN. 1935

W.M.

17/1

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. p 3673/Law
Encl. Two Cheques.

Dated, Bangalore, 22-1-1935.
23/1

From

S. Abdul Wajid, Esquire, B.A.,
General Secretary to the Government of His Highness
the Maharaja of Mysore.

To

A.N. Raghava char, Esquire, M.A.,
Comptroller to Government, Bangalore.

Sir,

I am directed to forward herewith duly endorsed in your favor two Court cheques noted in the margin for Rs. 40-1-0 be-

Book No. 1263 -

Cheque No. 37/24	...	Rs. 33	6	8
,, ,, 38/25	...	Rs. 6	10	4

T o t a l		Rs. 40	1	0
-----------	--	--------	---	---

ing the cost re-
covered from the
Judgment-debtor
in Ex. No. 23 of
1932-33 on the
file of the Dist-

riict Judge, Mysore (Chief Secretary Vs. Nalle Gowda) and to request that necessary further action may kindly be taken to recover the amount and credit it to the proper head.

I have the honor to be,
S i r ,
Your most obedient servant,

Sd/- S. Abdul Wajid,

General Secretary to Government.

P.H.

Memo No. p3674/Law dated 23/1/35

Copy of the above is forwarded to the Public prosecutor, Mysore

SUBJECT.....

Section. *Law*

File No.

Serial No.

Diary No. of letter replied to.....

No. *p 3673 / mes. Juro*

To

The Comptroller

General and Revenue Secretariat.

()

the 193

Date of issue *23/1/35*Signed by *Mr. S. H. Wajed*** Book no. 1263**Cheque no. 37/24 - Rs 33-6-8**" " 38/25 - Rs 6-10-4**Total Rs 40-1-0*

List of enclosures.....

Copied by.....

Examined by.....

Sir,

I am directed to forward herewith duly endorsed in your favour of ~~you~~ by ~~the~~ Ch. Sec two Court Cheques of noted in the margin of Rs 40-1-0 being the Co received from the Judgment Debt in Ex: 23/3223 in the for the Dist. Judge 'tys (Ch. sec 7 vs Mathegoni and to req. that necessary further action may kindly be taken to see the amount and credit is to the proper head

*I have en**No. p. 3674.**Copy to the Mr. Mys.*

*File 21/1/35
Gen Sec
TSD 21/1*

D. O. No. *P.3816* GENERAL AND REVENUE SECRETARIAT.
28th Jan.
Dated, Bangalore *29/1* 1935.

Dear Sir,

I am to send for your perusal a post card No.V.R.847 dated 23.1.1935, from your Office acknowledging the receipt of the two cheques sent with my letter No.P.3673 dated 23.1.1935. I am directed to say that it does not appear to be proper for a Superintendent of your Office to address in this manner a Secretary to Government.

Yours sincerely,

me

L.N. Raghavachar, Esq., M.A.,
Comptroller to Government,
Bangalore.

K.M.R.2.

SUBJECT.....

Section.

File No.

Serial No.

Diary No. of letter replied to.....

No.

To

P 3-816/Eur

The Comptroller

General and Revenue Secretariat.

()

the

193

Date of issue

29/1/35

Signed by

m. N. / R

Dear Sir,

I am to send for
 your perusal ~~a~~ ^{with reference} post card
 from your office
 acknowledging the receipt of the
 Cheques sent ^{with my} ~~on the~~ office etc
 no. P. 3673 d 23.1.35 I am
 directed to say ~~that~~ ^{that} it
 does not appear to be ~~it~~
 addressed to ~~an~~ ^{proper} ~~address~~ for a
~~is issued~~

List of enclosures.....

Copied by

m. N. / R 28/1/35

Examined by

@ Sup^t of your office to send
 Sign ~~for a communication to~~
 not proper to address it
 to a Secretary to Govt.
 yours
 D

Routine Notes

[To be used only for notes, requisitions, etc., not intended for permanent record.]

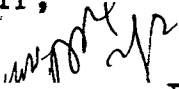
4339
p617
OFFICE OF THE COMPTROLLER TO THE-
GOVERNMENT OF MYSORE,

D. O. No. 2310/S.I

Bangalore, dated 1st February 1935.

Encl. 1/2

GENERAL
Dear Sir,
2F



I am in receipt of your D.O. Letter No.P.3816 dated 28/29-1-1935 observing that it was not proper for a Superintendent of my Office to have addressed a Secretary to Government in acknowledging the cheques received in this office. I should like to state in reply that the duty of signing routine acknowledgments "For Assistant Comptroller" has been delegated to the Superintendents of this office with the sanction of Government. In the case under advertance, the designation of the signing officer should have been printed as "Assistant Comptroller" and not as "Superintendent". I have issued needful instructions for rectifying the defect in future communications of this nature. The card is returned herewith for record.

Yours Sincerely,



To

S. Abdul Wajid, Esq., B.A.,
General Secretary to Government,
Bangalore.

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE
General and Revenue Secretariat.

Dated _____ the _____ 190
Order on the petition, dated _____ of _____

Subject

The petitioner is informed (through the
that the Government of His Highness the Maharaja will not interfere with the
order of

The documents which accompanied the petition are returned herewith.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

4116 734
COMPTROLLER'S OFFICE,
STATE LOAN SECTION.

Bangalore, dated 23.1.1935.

RECEIVED
Sd/- S. L. S. L.
13/847
21, JAN.

I have the honour to acknowledge receipt of
your letter No. P. 367 dated 23.1.35 instant
transmitting Two ~~Government Promissory~~
Notes/Cheques/Bills for Rs. 1) 33-6-8/- 11) Rs 6-10-4

I have the honour to be,
Sir,
Your most obedient servant,

D. Lakshmunorodishetty
Superintendent

N.B.—Should routine notes be written on small slips,
the notes must be copied, or slips pasted on this form.

Sub: for perusal It would
perhaps be appropriate
to sign for Comptroller
whether or not
Comptroller at signs on
a receipt under order
and if asked to put
up the order on the subject
if asked
I think the
matter may be
dropped now
only up

Sub A to
away next
reg.

4485736
P836

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.
FEB. 1935

Comptroller's Office, Bangalore,

Dated the 8th February 1935.

No. _____
B.I.567

me
9/2

The Secretary to the Government of Mysore,
General Department,
Bangalore.

Mr,

With reference to your No.P.3673/Law dated 23rd January 1935 forwarding the marginally noted cheques stated to be on account of Ex.23 of 1932-33 in the case of 'Chief Secretary Vs. Malle Gowda' I have the honour to state that the cheques have been forwarded to the Mysore District Treasury for realisation and credit to Miscellaneous unclassified items of receipt.

To enable this office to adjust the amount to the proper head of account in the books of this office I request you to be so good as to intimate the details of the case and the No. and date of the Government Order in which the sanction is accorded for the case being filed and send a copy

SUBJECT.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 14th February 1935

No. *pu 289*

From

To The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Revenue Commissioner in Mysore.

Subject.-

Recovery of costs in R.A.61/28-29/O.S.1/28-29 on the file of the High Court of Mysore (Mallegowda vs. Nanjegowda & another)

in

Sir,

With reference to the correspondence ending with this office letter No. P. 2324 dated the 26th October 1931 re the above subject, I am directed to forward herewith a copy of the Comptroller's letter No. B.1. 567 dated the 8th February 1935 and to request that the proper head of account to which the amount realised has to be credited, may kindly be intimated to him direct.

I have the honor to be,
Sir,
your most obedient servant,

(SD) S. Abdul Wahid

General Secretary to Government.

C.R.G.3

Copied by.....

Examined by.....

proper head of account to which the amount realised has to be credited may kindly be intimated to him direct.

No. pu 290

direct

me

In the High Court of Mysore at Bangalore.

Read Civil Rule of Practice No. 164 dated the 5th October 33.

Order dated 23rd March 1935.

The High Court directs that in the said Rule of Practice

(1) after the words " monies due to parties which are in deposit in Court " the words " towards the satisfaction of decrees " be inserted,

(2) for the words " party concerned " (which appear in two places) the words " party entitled " be substituted, and

(3) Note 2 be deleted.

Sd/- S. Venkata Ranga Iyengar,
Registrar.

* The Rule as amended will run as follows, viz.,

" Monies due to parties, which are in deposit in Court towards the satisfaction of decrees, shall be paid only to the party entitled in person or to his recognised agent as defined in Order III, Rule 2, of the Code of Civil Procedure, 1911, or to some person specially authorised under a power of attorney duly stamped by the party entitled to receive the money.

Note - An appointment of an Advocate or Pleader made under Order III, Rule 4, of the Code of Civil Procedure shall not be deemed to be such special power of attorney as aforesaid.

SUBJECT

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

24th May 5

Dated, Bangalore, ... 193.....

No. P 6435

From

The

General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,

High Court of Mysore.

Rev. H.C. of Mys

Sir,

I am directed to invite reference to this office letter No.P.3451 dated 12th January 1935 and to the subsequent reminder No.5221 dated 22nd March 1935, re: the amendment of the rule of practice issued on the civil side in No.164 dated 5th October 1934 so as to enable the Public Prosecutor and the Government Advocate to draw the money due to Government in deposit in court without any special authority other than the vakalat and the appointments they hold and to enquire when a reply may be expected.

directed to

office letter

id to the

in d m-3-35

the rule of

the side in no.164

able the 6635

I have the honour to be,
Your most obedient servant,

[Signature]
General Secretary to Government.

bnl.2

List of enclosures

Copied by

Examined by.....

any special authority over than the

Vakalat and the appointments they hold

and to enquire when a reply may

be expected.

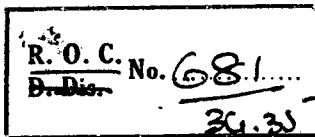
[Signature] *[Signature]* *[Signature]*

Ans: To state that the ~~system~~ ~~remains~~
the rule sanctioned in L.O. no. 6.

0247-50 vs 162/242 or 17.5-35 will

be exempt the ~~pos~~ and the ~~for~~
drawn from producing a pair of
Mayer

I have ¹ etc
pop
2/5 In genl sec?
TSD
2/5



HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 17th June 1935

FROM

A. Sundararaja Rao, Esq., B.A., B.L.,
~~S. Venkata Ranga Iyengar, Esq., B.A., B.L.,~~
Registrar, High Court of Mysore.

TO



H. V. Ramasvami, Esq., M.A., B.L.,
General Secretary to the Government of Mysore,
B a n g a l o r e.

SIR,

one
19/6

With reference to your letter No.P.3451/Law dated 11th/12th January 1935 requesting the High Court to take action to see whether the Civil Rule of Practice No.164 dated 5th October 1934 requiring special letter of authority to enable an Advocate or Pleader to draw moneys in Court on behalf of his client, cannot be amended so as to enable moneys due to Government which are in deposit in Court being paid to the Government Advocates or Pleaders without any further special authority than the vakalats and the appointments they hold, I am directed to invite attention of the Government to the said Rule of Practice as recently amended after obtaining the sanction of the Government in G.O. No.P. 6349-50/Cts.162-34-2 dated 16th/17th May 1935 (2 copies enclosed), and to request to be informed whether the said Rule of Practice as it now stands would meet the purpose in view.

I have the honour to be,

Sir,

Your most obedient servant,

A. Sundararaja Rao
Registrar.

AB

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Read Civil Rule of Practice No. 164, dated the 5th October 1933.

Order, dated 23rd March 1935.

The High Court directs that in the said Rule of Practice :

- (1) *after the words* " monies due to parties which are in deposit in Court " the words " towards the satisfaction of decrees " be inserted,
- (2) *for the words* " party concerned " (which appear in two places) the words " party entitled " be substituted, and
- (3) Note 2 be deleted.

S. VENKATA RANGA IYENGAR,
Registrar.

The Rule as amended will run as follows, *viz.*,

" Monies due to parties, which are in deposit in Court towards the satisfaction of decrees, shall be paid only to the party entitled in person or to his recognised agent as defined in Order III, Rule 2, of the Code of Civil Procedure, 1911, or to some person specially authorised under a power of attorney duly stamped by the party entitled to receive the money.

Note.—An appointment of an Advocate or Pleader made under Order III, Rule 4, of the Code of Civil Procedure, shall not be deemed to be such special power of attorney as aforesaid.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Read Civil Rule of Practice No. 164, dated the 5th October 1933.

Order, dated 23rd March 1935.

The High Court directs that in the said Rule of Practice :

- (1) *after the words* " monies due to parties which are in deposit in Court " the words " towards the satisfaction of decrees " be inserted,
- (2) *for the words* " party concerned " (which appear in two places) the words " party entitled " be substituted, and
- (3) Note 2 be deleted

S. VENKATA RANGA IYENGAR,
Registrar.

The Rule as amended will run as follows, *viz.*,

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Note.—An appointment of an Advocate or Pleader made under Order III, Rule 4, of the Code of Civil Procedure, shall not be deemed to be such special power of attorney as aforesaid.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 10th July 1935

No. *P.237*
Law

From

The General Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The Registrar,

High Court of Mysore, Bangalore.

Sir,

With reference to your letter No.R.O.C.681/34-35, dated 13th June 1935 enquiring whether the Civil Rule of Practice No.164 dated 5th October 1934 as amended by the recent Government Order of 17th May 1935 would meet the purpose in view. I am directed to state that the recent amendment referred to does not seem to enable the Government Advocates or pleaders to draw decree amounts due to Government without a special power of attorney in each case. Most of the cases in which monies due to Government are deposited in Courts are those in which they are so deposited on account of costs awarded in a decree and such cases will therefore be Governed by the Rule of Practice which requires a special power of attorney. The object to be aimed at is to simplify this procedure so far as Government are concerned and the amendment now made does not support the purpose. I am to request that the suggestion put forward in my letter No.P.345/ dated 12th January 1935 may be further considered.

I have the honour to be,
Sir,
Your most obedient servant,



In General Secretary to Government.

TSD

No P-237
Law

Dr 11/7/35

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

With reference to your letter Roc.
No.681/34-35 dated 13th June 1935 enquiring
whether the Civil Rule of practice No.164
dated 5th October 1934 as amended by the
recent G.O. of 17th May 1935 would meet the
purpose in view, I am directed to state
that the recent amendment referred to does
not seem to enable the Government Advocates
or pleaders to draw decree amounts due to
Government without a special power of
attorney. ^{in each case} Most of the cases in which
monies due to Government are deposited in
Courts are ^{in which they are so deposited} those ~~are~~ on account of costs
awarded in a decree and as such I am to say

+ Such cases will therefore
be governed by the
Rule of Practice which
requires a special power

of attorney. The object
of the rule to be attained
is to simplify the procedure
so far as Govt. cases are concerned

+ The amendment now made
does not suffice for the purpose

I am to request that the suggestion
put forward in my letter No. 12-1-35
maybe further considered ^{hks}

that the amendment now made does not meet
the purpose in view and explained in my
letter P.345/Law dated 12th January 1935.

I have etc.,

General Secretary to Govt.

TSD
2/4.

1/12

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

U

11 36-39 / Law 2625-2 GENERAL AND REVENUE SECRETARIAT,

dated, Bangalore, 15th August 1935

17

General Secretary to the Government of His Highness the
Maharaja of Mysore.

He
8.10.35
8-10

I am directed to forward herewith for information a
of the Government order No. P. 662-Uts. 162-74-4 dated
August 1935 sanctioning an addition of a note to the
rule of practice 164 regarding payment of monies
to parties.

I have the honor to be,
Sir,
Your most obedient servant,

Dh

General Secretary to Government
JSD

SUBJECT

No

Section *all Law*

File No. *20000262835*

Serial No. *2*

FROM

No. *P 11 86-39*

Encl one to all

CG 1, No. of letter replied to

To

To

1) The 6/1/35

2) for 140

SIR, General and Revenue Secretariat

Sir,

cop the 193

8th

civil issue *17-8-1935*

...

by *Mr N.R.2*

*I am directed
forward herewith for information
a copy of the S.O. no. 862 dt 16/2
d 8.35 sanctioning an addition
of a note to the Civil rule of
practice 164 re: Payments of
monies due to parties*

List of enclosures

*I am
not 15/8/35 forwarded
TSD
12/8*

Copied by *95/10/10*

15/8/35

by